

Application SN: 10/620,751
Amendment Dated: February 6, 2006
Reply to Office Action of: October 4, 2005

REMARKS

The Office Action has been reviewed. Claim 1 has been rewritten and, as rewritten, is believed to obviate the objection based on informalities as set forth in Paragraph 1 of the Office Action.

5 Briefly, the Applicants' invention relates to a security lock utilizing an inexpensive timepiece such as battery-powered digital watch which will display time and date and which is preset to an established referenced time such as GMT. The timepiece is enclosed in a tamper-proof enclosure. A cut- or tamper-resistant closure is attached to the case. One end of the tamper-resistant closure is engageable in a latching receptacle in the
10 timepiece. Once engaged, the closure cannot be disengaged.

The lock is provided to the user with the closure disengaged and the timepiece preset and operative. At the time of use, the user will extend the closure through the appropriate member such as a latch plate on the door of a cargo container. The user will then insert the closure into the case which will interrupt the power to the timepiece
15 mechanism stopping the timepiece providing a visual indication of the time and date on which the enclosure was secured. The closure is retained in the receiver.

It is well-known that theft from areas such as cargo containers and storage yards is a major problem and the present invention provides a simple, efficient, easy-to-use security lock with time of initiation or service displayed when locked.

Application SN: 10/620,751
Amendment Dated: February 6, 2006
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It is noted that the present invention is a continuation-in-part of application Serial No. 10/385,939, now U.S. Patent No. 6,933,844.

Claim 1 generally corresponds to Claim 1 of the issued '844 patent. This claim further recites the lock as being tamper-resistant so the closure provides a secure locking function as well as providing the visual indication of the time of locking.

The patent to Eschbach, et al., has been cited as a reference. The Eschbach, et al., patent relates to a security device having a control box containing an electronic system and a communications loop over which the system transmits a signal. The device is constructed so the communications loop extends from the control box across the boundary of a portal or opening, such as a door, into a sealed enclosure into which access restricted. The loop must be damaged in order for entry to be made into the enclosure. The device detects attempts to tamper and interfere with the operation of the device and records the time at which such events take place. System components include a clock, microprocessor, loop, detection module, A/D converter, keyboard, RAM, ROM and an oscillator. In the preferred embodiment, the detection module registers changes in voltage and phase of a signal transmitted over the loop. The clock and detection modules function coordination with the system software to provide a mechanism for detecting tampering events indicative of unauthorized entries or interference with the operation of the device and records when such entries or interferences take place. The problem that

Application SN: 10/620,751
Amendment Dated: February 6, 2006
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Eschbach, et al., deals with (that of recording an intrusion) and the problem Applicants' deals with (providing an indication of time of service initiation) are entirely different. Eschbach, et al., do not suggest a combination lock and device which records time of locking. The loop 14 of Eschbach, et al., is a wire that can easily be cut. For a reference to anticipate, every element of the claimed invention must be disclosed in a single reference. *Corning Glassworks vs. Sumitomo*, 9 USPQ 1962

Accordingly, Claims 8 to 11 are not anticipated by Eschbach, et al., as Eschbach, et al., does not indicate the time of locking, nor is the device a lock.

Claims 1 to 7 have been rejected under 35 U.S.C. §103 on Patterson and Eschbach, et al. The Patterson patent is cited as disclosing a closure associated with the case having an open position and a locked position to which the closure is engaged. Patterson is simply a closed-loop security seal having a strap for indicating the unauthorized opening of a closure. The strap is easily broken by simply pulling on the strap member. Basically, the strap seal of Patterson is the same type of seal shown in Figure 1 of the Applicants' drawings and designated prior art.

The combination suggested by the Examiner would basically result in the device of Eschbach, et al., unchanged. The security device of Patterson indicates tampering by visual inspection indicating that the strap has been broken prior to authorized breaking. The Eschbach, et al., security device will detect tampering with the communications loop

Application SN: 10/620,751
Amendment Dated: February 6, 2006
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and transmit a signal in this event. Neither are locking devices and neither indicate the time the device is put into service.

Claim 1 is believed allowable and Claims 3 to 7 are dependent thereon and believed allowable for the reasons stated above.

5 Claim 2 has been canceled and rewritten in amplified form as new Claim 12 directed to the padlock-style closure.

In the rejection of Claim 2, the Examiner further states that Eschbach, et al., disclose a case and closure comprising a padlock-type lock and a closure as a U-shaped shackle having an end engageable in a bore and refers to Figure 1. The U-shaped
10 component shown in Figure 1 and designated by the numeral 14 is a lead or loop of wire separately secured at its ends to a control box. Element 14 is not a heavy-duty component which can be defined as a shackle. Rather, element 14 is constructed of an electrically conductive wire (column 3, lines 1 to 4). The loop 14 is not intended to be tamper- or cut-resistant, but rather is an electrical component that is a communications lead. Thus,
15 Eschbach, et al., is deficient and fails to exclusively disclose prior art switch and latch means being cooperative to interrupt the power to a timepiece.

The Patterson reference is simply a breakable strap which may be inserted and, if broken, would indicate that tampering possibly occurred.

Application SN: 10/620,751
Amendment Dated: February 6, 2006
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Applicants' new Claim 12 is based on Claim 2 and recites a padlock-type lock having a hasp which is in itself tamper-resistant and which, when inserted into the case of the device, will interrupt the power of the timepiece. As such, the Applicants' device is a simple, but effective security seal which uses a basic digital timepiece which is provided to the user in a preset running operative condition with the time and date set. The timepiece is housed in a portion of the padlock. When the latch is engaged by inserting the latch into the receiver, the timepiece is stopped, providing an indication of the time and date when the seal was placed in service. The timepiece housing and hasp are all integral in a single unit.

As pointed out above, Eschbach, et al., utilizes a sophisticated security system having an electronic system and a communication loop over which the system transmits a signal. The system utilizes a micro-based electronic system. Most importantly, the Eschbach, et al., device does not indicate the time at which the device was put into use, but rather detects the time at which attempts to tamper and interfere with the operation of the device occur. This is in direct contrast to the function of Applicants' device.

Applicants' submit that the Applicants' claims are not rendered anticipated nor obvious in view of the references cited by the Examiner.

To reject under §103, the Examiner must establish a *prima facie* case of obviousness. The combination of the two prior art references discussed above is not

Application SN: 10/620,751
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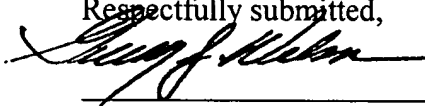
proper as there is no objective teaching which would lead one of ordinary skill in the art to combine the relevant teachings of the references.

Further, as pointed out above, the combination, if proper, does not result in Applicants' claimed invention.

5 It is noted the time for response fell on Saturday, February 4, 2006, and, accordingly a one month petition and extension fee check in the amount of \$60.00 accompanies this Response.

A favorable action is respectfully solicited.

10 Dated: February 6, 2006

Respectfully submitted,


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